

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	File No. EB-FIELDNER-16-00022155
Conroy Dawson)	NAL/Acct. No.: 201732380001
Paterson, New Jersey)	FRN: 0026151753
)	

FORFEITURE ORDER

Adopted: June 19, 2017

Released: June 19, 2017

By the Regional Director, Region One, Enforcement Bureau:

I. INTRODUCTION

1. We impose a penalty of \$25,000 against Conroy Dawson for operating an FM broadcast station on 97.5 MHz in Paterson, New Jersey, without a license or other authorization issued by the Commission, in violation of Section 301 of the Communications Act of 1934, as amended (Act).¹ The Enforcement Bureau (Bureau) previously proposed a \$25,000 penalty against Mr. Dawson for his apparent operation of this unlicensed station.² After reviewing Mr. Dawson's response to the *NAL*, we find no reason to cancel, withdraw, or reduce the proposed penalty, and we therefore assess the \$25,000 forfeiture the Bureau previously proposed.³

II. BACKGROUND

2. In May 2016, agents from the New York Field Office (New York Office) investigated an unauthorized FM broadcast station operating on 97.5 MHz in Paterson, New Jersey and identifying itself over the air as "WBLR – Big Link Radio 97.5 FM."⁴ Using direction-finding techniques, agents traced the source of the transmissions to a residential apartment occupied by Conroy Dawson and a relative of Mr. Dawson (First Site). The New York Office then issued a Notice of Unlicensed Operation to Mr. Dawson to notify him that the operation of the station located in his residence was illegal and to warn him that continued operation of the station could result in enforcement actions.⁵ Following receipt of the NOUO, Mr. Dawson contacted the New York Office by telephone, claimed to have sought a license from the Commission to operate the station, and agreed to remove the transmission equipment.⁶

¹ 47 U.S.C. § 301.

² *Conroy Dawson, Paterson, New Jersey*, Notice of Apparent Liability for Forfeiture, 32 FCC Rcd 107 (EB 2017) (*NAL*).

³ Conroy Dawson, Response to Notice of Apparent Liability for Forfeiture (Feb. 10, 2017) (on file in EB-FIELDNER-16-00022155) (*NAL* Response).

⁴ *NAL*, 32 FCC Rcd at 108, para. 3. The *NAL* includes a more complete discussion of the facts and history of this case and is incorporated herein by reference.

⁵ See Conroy Dawson, Notice of Unlicensed Operation (New York Office, EB, May 23, 2016) (on file in EB-FIELDNER-16-00022155) (*NOUO*).

⁶ See *NAL*, 32 FCC Rcd at 108-09, para. 4.

3. Two months later, the Commission received another complaint that a pirate station was once again operating on 97.5 MHz in Paterson, New Jersey. Upon investigating that complaint, agents from the New York Office determined that the station was operating from a new location (Second Site).⁷ The agents recorded the station's audio stream, during which the station publicized a call-in number that agents linked to Mr. Dawson, identified itself as "Big Link Radio," and provided the station's operating frequency: "97.5." The agents posted a warning on the door of the Second Site.⁸ The following month, in August 2016, agents again investigated a pirate station operating on 97.5 MHz and determined that it had moved to yet another location (Third Site).⁹ Once again, the station continued to identify itself on the air as "Big Link Radio."¹⁰

4. On January 12, 2017, the Enforcement Bureau (Bureau) issued the *NAL* proposing a \$25,000 forfeiture against Mr. Dawson for his apparent willful and repeated violation of Section 301 of the Act by operating an FM broadcast station without the requisite license or other authorization issued by the Commission. On February 10, 2017, Mr. Dawson filed a response to the *NAL*. In the *NAL* Response, Mr. Dawson argues that the *NAL* should be cancelled or reduced. Specifically, Mr. Dawson asserts that, although he operates an internet-based streaming radio station, his operation does not have a broadcast component and, as a result, he is the victim of pirate broadcasts rather than the perpetrator.¹¹

III. DISCUSSION

5. The Bureau proposed a forfeiture in this case in accordance with Section 503(b) of the Act,¹² Section 1.80 of the Commission's rules (Rules),¹³ and the Commission's *Forfeiture Policy Statement*.¹⁴ When we assess forfeitures, Section 503(b)(2)(E) requires that we take into account the "nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."¹⁵ As discussed below, we have fully considered Mr. Dawson's response to the *NAL*, but we do not find his arguments persuasive. We therefore affirm the \$25,000 forfeiture proposed in the *NAL*.

A. Mr. Dawson has Violated Section 301 of the Communications Act

6. Section 301 of the Act states that no person shall use or operate any apparatus for the transmission of energy or communications or signals by radio within the United States without a license granted by the Commission.¹⁶ The record in this proceeding demonstrates that Mr. Dawson operated such an apparatus without a license granted by the Commission.

7. As set forth in greater detail in the *NAL*, in May 2016, agents from the New York Office used a series of technical measurements and witness interviews to identify Mr. Dawson as the operator of the pirate station operating on 97.5 MHz in Paterson, New Jersey, and branding itself as "Big Link

⁷ *NAL*, 32 FCC Rcd at 109, para. 5.

⁸ *Id.*

⁹ *Id.*, para. 7.

¹⁰ *Id.*

¹¹ *NAL* Response at 1, 4.

¹² 47 U.S.C. § 503(b).

¹³ 47 CFR § 1.80.

¹⁴ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997) (*Forfeiture Policy Statement*), *recons. denied*, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

¹⁵ 47 U.S.C. § 503(b)(2)(E).

¹⁶ 47 U.S.C. § 301.

Radio.”¹⁷ Agents recorded the station’s over-the-air broadcasts on 97.5 MHz and observed that the station was identified as “WBLR – Big Link Radio, 97.5 MHz.”¹⁸ Upon determining that the station was broadcasting from the First Site, agents traced the coaxial cable from the transmission antenna to a specific apartment within the building and then interviewed witnesses, who stated that Mr. Dawson operated a radio station from the apartment in question, which Mr. Dawson occupied with a relative.¹⁹ Agents also received confirmation from the building owner that Mr. Dawson was operating a radio station at the First Site.²⁰

8. When operations at the First Site ceased and then moved to the Second Site and, later, the Third Site, agents confirmed that they were observing the same pirate station using three pieces of evidence: (a) the continued use of 97.5 MHz as the station’s operating frequency,²¹ (b) the continued use of the “WBLR - Big Link Radio” branding during station identification breaks,²² and (c) the continued use of the same studio call-in telephone number that the agents observed being broadcast at the First Site.²³ Therefore, we find that Mr. Dawson was continuing to operate the station in violation of Section 301 at the Second and Third Sites as well.

B. Mr. Dawson Does Not Provide a Sufficient Basis for Canceling the Forfeiture Amount

9. Mr. Dawson, however, maintains that the forfeiture amount proposed in the *NAL* is not warranted. First, he claims that he was not the operator of the station transmitting on 97.5 MHz in Paterson, New Jersey, and states in the *NAL* Response that he “only did the Internet” and did not “place any antenna on any site.”²⁴ Mr. Dawson further asserts that he has “no connection, location or agreement with anyone to rebroadcast our Internet feed,”²⁵ and that he has tried to convince unnamed third-parties who allegedly broadcast Big Link Radio to refrain from doing so.²⁶

10. We are not persuaded by Mr. Dawson’s argument that he is not the operator of the illegal FM broadcast station on 97.5 MHz in Paterson, New Jersey. First, Mr. Dawson admits to being the operator of an internet-based streaming radio station that operates under the branding of “Big Link Radio” or “WBLR.”²⁷ Second, Mr. Dawson does not contest our finding in the *NAL* that the station identifications recorded by agents included a reference to the station’s operating frequency of 97.5 MHz.²⁸ Third, and finally, the station’s website includes a programming advertisement that references the fact that it is broadcast on 97.5 MHz.²⁹ If Mr. Dawson were truly unaware that Big Link Radio was being broadcast on 97.5 MHz, we would not have found references to an operating frequency in Big Link Radio’s periodic station identifications or in promotional materials on its own website.

¹⁷ *NAL*, 32 FCC Rcd at 108, para. 3.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *NAL*, 32 FCC Rcd at 109, paras. 5, 7.

²² *Id.*

²³ *Id.*, 32 FCC Rcd at 109, para. 5.

²⁴ *NAL* Response at 1.

²⁵ *Id.* at 2.

²⁶ *Id.*

²⁷ *NAL*, 32 FCC Rcd at 107-09, paras. 2-3, 5-7.

²⁸ *NAL*, 32 FCC Rcd at 108, para 3.

²⁹ See WBLR Radio, Gallery, <http://www.wblrradio.net/gallery>, (last visited May 4, 2017).

11. In the NAL Response, Mr. Dawson faults the New York Office for failing to reach out to him directly before issuing the *NAL*.³⁰ Such an assertion is at odds with the facts of this case and further undermines Mr. Dawson's credibility. As noted in the *NAL*, on June 1, 2016, an agent from the New York Office spoke with Mr. Dawson by phone, issued a verbal warning, and explained the consequences of continuing to operate an illegal FM broadcast station.³¹ During this conversation, Mr. Dawson claimed to have previously applied for a license from the Commission (for which no record exists) and indicated to the agents that he was going to remove the radio equipment from his apartment.³²

12. Accordingly, we find that Mr. Dawson operated an unauthorized radio station. Weighing the relevant statutory factors and our own forfeiture guidelines, we conclude, based on the evidence before us, that the proposed forfeiture of \$25,000 properly reflects the seriousness, duration, and scope of Mr. Dawson's violations and that no reduction of the proposed forfeiture is warranted.

IV. CONCLUSION

13. Based on the record before us and in light of the applicable statutory factors, we conclude that Mr. Dawson willfully and repeatedly violated Section 301 of the Act by operating a pirate FM broadcast station on 97.5 MHz in Paterson, New Jersey. We decline to cancel or reduce the \$25,000 forfeiture proposed in the *NAL*.

V. ORDERING CLAUSES

14. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act,³³ and Section 1.80 of the Rules,³⁴ Conroy Dawson **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of Twenty-Five Thousand Dollars (\$25,000) for willfully and repeatedly violating Section 301 of the Act.³⁵

15. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar days after the release of this Forfeiture Order.³⁶ If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Act.³⁷

16. Payment of the forfeiture must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account Number and FRN referenced above. Mr. Dawson shall send electronic notification of payment to Matthew L. Gibson at matthew.gibson@fcc.gov on the date said payment is made. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.³⁸ When completing Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions that should be followed based on the form of payment selected:

³⁰ See NAL Response at 3-4.

³¹ *NAL*, 32 FCC Rcd at 108-09, para. 4.

³² *Id.*

³³ 47 U.S.C. § 503(b).

³⁴ 47 CFR § 1.80.

³⁵ 47 U.S.C. § 301.

³⁶ *Id.*

³⁷ 47 U.S.C. § 504(a).

³⁸ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with completed Form 159) must be mailed to the Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Luis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

17. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 445 12th Street, S.W., Room 1-A625, Washington, DC 20554.³⁹ Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRES@fcc.gov.

18. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested to Conroy Dawson at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

David Dombrowski
Regional Director
Region One
Enforcement Bureau

³⁹ See 47 CFR § 1.1914.